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May 7, 2010

Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, SW  
Washington, DC 20423

VIA ELECTRONIC FILING

Re: STB Finance Docket No. 35141  
U S Rail Corporation – Construction and Operation Exemption –  
Brookhaven Rail Terminal

And

STB Finance Docket No. 35036  
Suffolk & Southern Rail Road LLC-Lease and Operation Exemption-Sills  
Road Realty, LLC

Dear Ms. Brown,

Please accept this request for expedited consideration of the joint letter petition filed April 22, 2010 in behalf of U S Rail Corporation ("U S Rail") and Sills Road Realty, LLC ("Sill") to vacate the Cease and Desist Order imposed by the Board's October 12, 2007 Decision in the matter of Suffolk & Southern Rail Road LLC-Lease and Operation Exemption-Sills Road Realty, LLC, STB Finance Docket No. 35036.

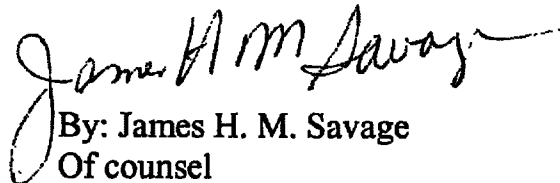
Petitioners have significant and ongoing debt service obligations, professional fees and tax burdens. These burdens have been met for nearly two years without any offsetting revenues from operations at the Brookhaven Rail Terminal ("BRT"). Given the current state of the economy, Petitioners' internal resources to continue meeting those burdens have been stretched to the limit and beyond. Petitioners plan is to utilize proceeds from sales of excavated construction materials to fund those burdens and to partially fund construction costs. Those excavated materials, e.g., concrete or asphalt, are used primarily in seasonally-based construction projects. As we move deeper into the construction season (April through October), the window of opportunity for entering into sales agreements for these materials begins to narrow and all but closes after September 1<sup>st</sup>. While value of these assets decreases, petitioners' financial obligations remain constant.

Of immediate concern, Sills' construction line of credit with New York Commercial Bank has gone unused for two years and, as a result, is under regulatory review. In the event Petitioners cannot begin even limited, non-rail construction activities within the next 7-10 days, Sills may lose its construction line of credit. Replacing same, in the current banking climate, may prove difficult or even impossible.

The Obama administration has consistently indicated its support for timely implementation of privately financed shovel ready construction projects that provide jobs and stimulate the economy. The BRT is such a project, and should, for the reasons set forth above, be accorded expedited consideration for approval.

We thank the Board for its timely consideration.

Respectfully submitted,  
John D. Heffner, PLLC

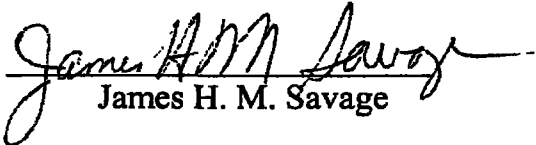
  
By: James H. M. Savage  
Of counsel

Attorneys for Petitioners  
U S Rail Corporation and  
Sills Road Realty, LLC

**cc: Mark D. Cuthbertson (via electronic mail)**  
**Robert Ryback (via First Class mail)**

### CERTIFICATION OF SERVICE

I, James H. M. Savage, an attorney-at-law of the District of Columbia, certify that I have served this day by electronic mail a true copy of the within pleading upon counsel for the Town of Brookhaven and by first class mail upon the New York State Department of Transportation.

  
James H. M. Savage

Dated: May 7, 2010